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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
McVeigh, et al.

Serial No.: 09/274,154

Filed: 3/22/1999

FOR: METHOD AND APPARATUS FOR
SIMPLIFYING FRAME-BASED
MOTION ESTIMATION

Examiner: NOT ASSIGNED



Art Unit: 2713

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on June 4, 1999.

Alyssa D. Slater
Name of Person Mailing Correspondence


Signature

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U.S. PATENT AND TRADEMARK OFFICE
JUN 17 1999
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JUN 15 1999
GROUP 170

Box MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

**Petition Under 37 C.F.R. 1.53(e)(2)
To Review Notice of Omitted Items**

Sir:

This petition is submitted in response to the Notice of Omitted Items dated April 20, 1999, in which the Office states that Figure 14 has been omitted from the application.

Applicants submit that the figure was a part of the application as filed, and as initially received by the patent office.

In support of applicants' position, as suggested by the Manual of Patent

Adjustment date: 08/02/2000 LGIBBS
06/09/1999 NHASSANT 00000050 09274154
01 FC:122 Examination Procedure, §601.01(g), attached as **Exhibit A** is a copy of the date-
130.00 UP

Repin. Ref: 08/02/2000 LGIBBS 0010584700
DAB:022666 Name/Number:09274154
FC: 704 postcard, dated March 22, 1999, confirms receipt by the mailroom of a 31 page

application, and 10 drawing sheets corresponding to 15 figures. Since all figures were

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accounted for at the time of processing and returning the postcard, Applicants submit that figure 14 was lost sometime following return of the postcard.

In further support of applicants' position, attached as **Exhibit B** is an affidavit of Alyssa D. Slater, swearing to her having prepared the application for filing, making file and "chron" copies of the filing, and verifying the filing's completeness immediately prior to its being sealed in an Express Mail envelope for filing. (A chron contains a chronological backup for all outgoing filings by an Attorney.)

Attached as **Exhibit C** is a copy of figure 14 as filed.

Pursuant to 37 C.F.R. 1.53(e)(2), a fee for \$130, as proscribed by 37 C.F.R. §1.17(l), is enclosed.

Applicants petition to (1) replace the missing figure 14 with attached Exhibit C, (2) maintain the original filing date of March 22, 1999, and (3) that the \$130 fee proscribed by 37 C.F.R. §1.17(l) be refunded.

The Office is requested to contact the undersigned if it is believed that such contact would further review of this petition.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP

Date: June 4, 1999



Steven D. Yates
Reg. No. 42,242

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200



Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/274,157	03/22/99	MCVEIGH	J 42390.P7111 <i>W.E.</i>

MICHAEL A PROKSCH
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES CA 90025-1026



NOT ASSIGNED

2713

DATE MAILED:

04/20/99

NOTICE OF OMITTED ITEM(S)

A filing date has been assigned to the above-identified application papers; however, the following item(s) appear to have been omitted from the application:

1. Pages _____ of the specification (description and claims).
 2. Figures 14 described in the specification.
 3. Other:

I. Should applicant contend that the above-noted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the application papers, a copy of this Notice and a petition (and \$ _____ petition fee (37 CFR 1.17(i))), which will be refunded if it is determined that the item was in fact received by the PTO with evidence of such deposit must be filed within two months of the date of this Notice.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) were filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted items (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$ _____ petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within two months of the date of this Notice.

The failure to file a petition (and petition fee) under the above options (I) or (II) within two months of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136 (a) OR (b). In the absence of a timely petition in response to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO; and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above, amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s); and/or amendment of the specification to cancel all references to any omitted drawing(s); relabel the drawing figures to be numbered consecutively (if necessary); and, correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

Notice to File Missing Parts of Application," Form PTO-1533.
 Other:

A copy of this notice MUST be returned with the response.

Regina Fields

Customer Service Center

Initial Patent Examination Division (703) 308-1202

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JUN 15 1999

GROUP 4760

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MAR 31 1999

BLAKELY, SKOKOLOFF, TAYLOR & ZAFARAN
LOS ANGELES



Serial/Patent No.: Not yet assigned Filing/Issue Date: March 22, 1999
 Client: INTEL CORPORATION (McVeigh et al.)
 Title: Method and Apparatus for Simplifying Frame-Based Motion

EstimationBSTZ File No.: 42390.P7111Atty/Secty Initials: MAP/adsDate Mailed: March 22, 1999Docket Due Date: ****

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Amendment/Response (pgs.)
- Appeal Brief (pgs.) (in triplicate)
- Application - Utility (32 pgs., with cover and abstract)
- Application - Rule 1.53(b) Continuation (pgs.)
- Application - Rule 1.53(b) Divisional (pgs.)
- Application - Rule 1.53(b) CIP (pgs.)
- Application - Rule 1.53(d) CPA Transmittal (pgs.)
- Application - Design (pgs.)
- Application - PCT (pgs.)
- Application - Provisional (pgs.)
- Assignment and Cover Sheet
- Certificate of Mailing
- Declaration & POA (3 pgs.) Unsigned
- Disclosure Docs & Orig & Copy of Inventor Signed Letter (pgs.)
- Drawings: 10 # of sheets includes 15 figures

- Express Mail No.: EL034431234US Check No. 4258
- _____ Month(s) Extension of Time Amt: \$ 760.00
- Information Disclosure Statement & PTO-149 (pgs.) Check No. _____
- Issue Fee Transmittal Amt: _____
- Notice of Appeal
- Petition for Extension of Time
- Petition for jc511 U.S. PTO 09/274157
- Postcard
- Power of Attorney (pgs.)
- Preliminary Amendment (pgs.)
- Reply Brief (pgs.)
- Response to Notice of Missing Parts
- Small Entity Declaration for Indep. Inventor/Small Business
- Transmittal Letter, in duplicate
- Fee Transmittal, in duplicate

03/22/99

Other: Separate sheet with Certificate of Mailing and Attorney's Signature (in duplicate)

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JUL 29 1999